

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

SUPPORT FOR THE CLAIM AMENDMENTS

Support for the claim amendments may be found in the specification, for example, on page 9 lines 1-20, page 9 line 32-page 10 line 8, page 22 line 17-page 23 line 2, page 23 lines 17-26 and FIGS. 1, 2, 12C and 13, as originally filed. Thus, no new matter has been added.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 47, 55-57, 77, 84, 91 and 98 under 35 U.S.C. §103(a) as being unpatentable over Fujimoto '821 in view of Nazem '277 has been obviated in part by appropriate amendment, is respectfully traversed in part, and should be withdrawn.

The rejection of claims 48-54, 59-62, 78-83, 85-90, 92-97 and 99-104 under 35 U.S.C. §103(a) as being unpatentable over Fujimoto in view of Nazem and Heinonen '633 has been obviated in part by appropriate amendment, is respectfully traversed in part, and should be withdrawn.

Fujimoto concerns a home medical system and medical apparatus for use therewith (Title). Nazem concerns a dynamic page generator (Title). Heinonen concerns diabetes management (Title).

Nazem appears to be non-analogous art relative to Fujimoto based on the U.S. classifications. In contrast, the Office appears to have selected Nazem based on the presence of the claim phrase "script program", which is improper hindsight. As such, the Office is respectfully requested to either (i) provide evidence indicating that Nazem is analogous art to Fujimoto or (ii) withdraw all of the rejections.

Claim 47 provides a central processing unit comprising (i) **programming code** configured to generate **a script program** that collects measurement data relating to the physiological condition of the individual and (ii) **further programming code** configured to assign the script program to the individual. Claim 47 further provides a remote processing apparatus (i) connectable to a measuring device to receive measurement data according to **a collect command** contained in the script program and (ii) connectable to the central processing unit to transmit the measurement data to the central processing unit according to **a transmit command** contained in the script program. Claim 59 provides language similar to claim 47.

In contrast, Fujimoto discloses a host computer 5 (alleged claimed central processing unit) and a medical terminal

apparatus 1 (alleged claimed remote processing apparatus). According to column 4, lines 12-68 of Fujimoto, the medical terminal apparatus 1 of Fujimoto displays operational text to a user. According to column 8, lines 8-39 of Fujimoto, the host unit 5 displays informational text. However, the host computer 5 of Fujimoto does not appear to provide operational script to the medical terminal apparatus 1. Fujimoto also appears to be silent regarding the medical terminal apparatus 1 transmitting measurement data to the host computer 5 according to a transmit command contained in the script program generated in the host computer 5. Furthermore, the host computer 5 of Fujimoto does not appear to have programming code configured to generate a script program as presently claimed. Therefore, Fujimoto, Nazem and Heinonen, alone or in combination, do not appear to teach or suggest all of the claim limitations. As such, claims 47 and 59 are fully patentable over the cited references and the rejections should be withdrawn.

Assuming, *arguendo*, that the host computer 5 of Fujimoto somehow has programming code configured to generate a script program (for which Applicant's representative does not necessarily agree), Fujimoto still appears to be silent regarding the script program being associated in any way with actions performed or displayed at the medical terminal apparatus 1. The medical terminal apparatus 1 does nothing in response to the script program hypothetically generated by the host computer 5. Instead,

Fujimoto's medical terminal apparatus 1 merely displays its own text commands on its own display. Therefore, Fujimoto, Nazem and Heinonen, alone or in combination, do not appear to teach or suggest all of the elements as presently claimed. As such, the Office is respectfully requested to either (i) clearly identify the elements of Fujimoto allegedly similar to the claimed programming code, the further programming code, the script program, the collect command and the transmit command or (ii) withdraw the rejections.

Claim 47 further provides a workstation connectable to the central processing unit to receive the measurement data so that a health care provider may review a report generated based on the measurement data. Claim 59 provides language similar to claim 47. Despite the assertion in the Office Action, the text in column 2, lines 32-44 of Fujimoto appears to be silent regarding a workstation as presently claimed. As such, the Office is respectfully requested to either (i) clearly identify the element of Fujimoto allegedly similar to the claimed workstation or (ii) withdraw the rejections.

Claim 77 provides a step of **transferring the script program** from the central processing unit to the remote processing apparatus. Claims 84, 91 and 98 provides language similar to claim 77. In contrast, both Fujimoto and Nazem appear to be silent regarding transferring a script program from the host computer 5 (alleged claimed central processing unit) to the medical terminal

equipment 1 (alleged claimed remote processing apparatus). Therefore, Fujimoto, and Nazem, alone or in combination, do not appear to teach or suggest a step of transferring the script program from the central processing unit to the remote processing apparatus as presently claimed. As such, claims 77, 84, 91 and 98 are fully patentable over the cited references and the rejections should be withdrawn.

Claim 77 further provides a step of transmitting the measurement data from the remote processing apparatus to the central processing unit upon execution of **a transmit command** of the script program. Claim 91 provides language similar to claim 77. In contrast, both of Fujimoto and Nazem appear to be silent regarding a transmit command of a script program. Therefore, Fujimoto and Nazem, alone or in combination, do not appear to teach or suggest a step of transmitting the measurement data from the remote processing apparatus to the central processing unit upon execution of a transmit command of the script program as presently claimed. As such, claims 77 and 91 are fully patentable over the cited references and the rejections should be withdrawn.

Claim 84 further provides a step of disconnecting the communication link after the script program has been transmitted. Claim 98 provides language similar to claim 84. In contrast, both Fujimoto and Nazem appear to be silent regarding disconnecting a communication link 3 of Fujimoto after an alleged script program

has been transmitted. Therefore, Fujimoto and Nazem, alone or in combination, do not appear to teach or suggest a step of disconnecting the communication link after the script program has been transmitted as presently claimed. As such, claims 84 and 98 are fully patentable over the cited references and the rejections should be withdrawn.

The old dependent claims depend from claims 47, 59, 77, 84, 91 and 98, which are now believed to be allowable. As such, the dependent claims are fully patentable over the cited references and the rejections should be withdrawn.

The new dependent claims depend from claims 47, 59, 77, 84, 91 and 98, which are now believed to be allowable. As such, the new claims are fully patentable over the cited references and the rejections should be allowed.

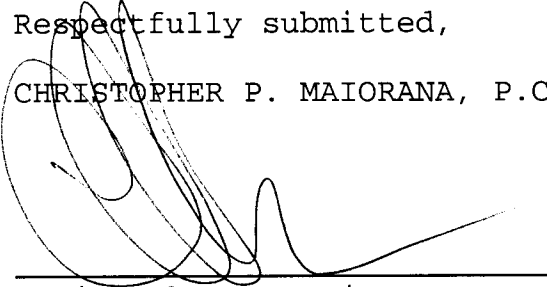
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 between 9:00 am and 5:00 pm ET should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit
Account No. 50-0541.

Respectfully submitted,

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